

REMARKS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-18 are pending in this application. Claims 1 and 4 have been amended in this response. Claim 5 is hereby cancelled without prejudice. Support for this amendment is provided throughout the Specification as originally filed. Accordingly, no new matter has been added.

Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

II. THE REJECTION UNDER 35 U.S.C. § 112

Claim 4 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 4 is hereby amended in this response, thereby obviating the § 112 rejection.

III. THE REJECTIONS UNDER 35 U.S.C. § 102(b) AND 35 U.S.C. § 103(a)

Claims 1-4 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent No. 4,500,588 to Lundstrom ("Lundstrom").

Independent claim 1 recites:

"A stratified press fabric ...

wherein said first batt layer has staple fiber batt material that is coarser and of a first color different than said second batt

layer; said first color indicating wear when said second batt layer is worn such that the first batt layer is exposed;

wherein said fine fabric limits transfer of staple fiber batt material between said first and second batt layers.
(Emphasis added)

As understood by the Applicant, Lundstrom relates to a conveyor felt including a support fabric formed by a yarn structure and fiber batt layer needled to the support fabric at least on one side thereof. A barrier layer is formed in the fiber batt layer for preventing the filling material from penetrating into the surface facing the web. The barrier layer is obtained by calendaring the surface of the fiber batt layer facing the web so as to make it smooth and compact or by providing in the fiber batt layer a fine-fibered fiber batt layer or a filtering intermediate layer on the side of the surface facing the web.

Applicant respectfully submits that Lundstrom does not teach or suggest the above identified feature of claim 1. Specifically, Lundstrom does not teach or suggest a stratified press fabric wherein a fine fabric limits transfer of staple fiber batt material between the first and second batt layers, as recited in claim 1.

For at least the foregoing reasons, Applicant submits that independent claim 1 is clearly distinguished over the relied upon portions of Lundstrom, and therefore, is patentable. Further, claims 2-4 that depend from claim 1 are allowable therewith.

IV. DOUBLE PATENTING

Claims 1-18 were rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-11 of U.S. Patent No. 7,407,564 to Hansen ("Hansen").

Applicant submits herewith a Terminal Disclaimer under 37 C.F.R. 3.73(b), thereby obviating the double patenting rejection.

In view of the foregoing, Applicant respectfully submits that all of the claims in this application are patentable over Hansen.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicant's undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

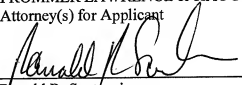
CONCLUSION

In view of the foregoing amendments and remarks, it is submitted that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,
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